

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUIS A. VAZQUEZ-DIAZ,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.

23-CV-10639 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order dated January 10, 2024, the Court construed Petitioner's submission in this action as a petition for a writ of *habeas corpus* under 28 U.S.C. § 2241, and directed that the petition be transferred to the United States District Court for the Western District of Missouri. (ECF 3.) On January 17, 2024, the Clerk of Court electronically transmitted this action to the Western District of Missouri, which received the case on the same day. *See Vasquez-Diaz v. United States*, No. 6:24-CV-3019 (W.D. Mo. Jan 23, 2024).¹ On January 30, 2024, the Court received from Petitioner a letter, a "Motion to Show Cause," and an "Affidavit." By order dated February 2, 2024, the Court construed those submissions as a motion for reconsideration under Local Civil Rule 6.3 and a motion for relief from a judgment or court order under Fed. R. Civ. P. 60(b), and denied the motion. (ECF 9.) On March 12, 2024, the Court received from Petitioner a notice of appeal. (ECF 11.)

Although the notice of appeal states that Petitioner is seeking to appeal the Court's February 2, 2024 order, the Court construes the notice of appeal as seeking to appeal both the

¹ By order dated January 23, 2024, Judge Roseann A. Ketchmark of the Western District of Missouri denied the petition without prejudice. *Vazquez-Diaz*, No. 6:24-CV-3019, Dkt. 5.

Court's January 10, 2024 transfer order (ECF 3), and its February 2, 2024 order denying Petitioner's motion for reconsideration (ECF 9).

Because Petitioner has not at this time made a substantial showing of a denial of a constitutional right, a certificate of appealability will not issue with respect to the Court's January 10, 2024 transfer order (ECF 3) and the Court's February 2, 2024 order denying Petitioner's motion for reconsideration (ECF 9). *See* 28 U.S.C. § 2253.

SO ORDERED.

Dated: March 27, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge